

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN D. HUBER, as Trustee of the SageCrest
Liquidating Trust,

Plaintiff,

vs.

ARCK CREDIT COMPANY, LLC, ART
FINANCE PARTNERS, LLC, ANDREW C.
ROSE, and CHRISTOPHER D. KRECKE,

Defendants.

ARCK CREDIT COMPANY, LLC, ART
FINANCE PARTNERS, LLC AND
ANDREW ROSE

Counterclaim-Plaintiffs,

vs.

JOHN D. HUBER, as Trustee of the SageCrest
Liquidating Trust and individually,

Counterclaim-Defendant.

ARCK CREDIT COMPANY, LLC, ART
FINANCE PARTNERS, LLC, ANDREW
ROSE, CHRISTOPHER KRECKE

Third Party Plaintiffs,

vs.

FOUNDATION 2021, TIMOTHY U. NYE,
INNOVA ART LLC, JAMES B. HILL,
CORKIN GALLERY, INC, JANE CORKIN,
STILL LIFE, LLC and ANATOLE
SHAGALOV

Third Party Defendants.

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Case No. 12-CV-8175(JMF)(KNF)

ORDER

Counsel for Third Party Plaintiffs ARCK Credit Company and Art Finance Partners (collectively the “Art Parties”), Third Party Defendants Timothy Nye (“Nye”) and Foundation 20 21 (“Foundation”), and non-party Nyehaus, Inc. (“Nyehaus”), having appeared by counsel at a conference on March 2, 2015, and the Court having considered the letter dated February 20, 2015 submitted by Third Party Plaintiffs, and the letter dated February 25, 2015 submitted by on behalf of Nye, Foundation, and Nyehaus, and having heard counsel for the foregoing at said conference;

IT IS HEREBY ORDERED as follows:

1. Not later than March 13, 2015:
 - a. Nye shall produce the documents called for by the Third Party Plaintiffs’ First Set of Document Requests in Aid of Judgment to Judgment Debtor Timothy Nye, dated December 10, 2014, and respond to the Amended Questions in Connection with an Information Subpoena dated January 23, 2015 served by the Art Parties;
 - b. Foundation shall produce the documents called for by Third Party Plaintiffs’ First Set of Document Requests in Aid of Judgment to Judgment Debtor Foundation dated December 9, 2014;
 - c. Nyehaus shall produce the documents called for by the Subpoena Duces Tecum dated December 18, 2015 served by the Art Parties; and
 - d. Sunshine Equities Partners shall respond to the Questions in Connection with an Information Subpoena dated February 10, 2015 served by the Art Parties.
2. Not later than March 20, 2015, Nyehaus shall appear for its deposition.
3. Not later than April 1, 2015, Nye and Foundation shall appear for their depositions.

4. The time to return the Writ of Execution dated January 26, 2015 shall be extended through May 26, 2015 (including the extension of any rights of priority granted by the Writ of Execution).
5. No later than 60 days from the entry of this order by the Court, the Third Party Plaintiffs shall file any motion for fees and costs; any opposition to that motion shall be filed within three weeks; any reply shall be filed within one week of the opposition. The parties are encouraged to use this period to attempt to agree upon the amount due.

Dated: March 4, 2015
New York, New York

SO ORDERED:



JESSE M. FURMAN
United States District Judge

Third Party Plaintiffs shall promptly serve this Order on Sunshine Equities Partners and docket proof of such service. Counsel for Sunshine Equities Partners shall promptly enter a notice of appearance.